

REMARKS

This application has been reviewed in light of the Office Action dated November 6, 2003. Claims 1, 2, 4-9, 11-16, 18-23, and 25-29 are presented for examination, of which Claims 1, 8, 15, 22, 28, and 29 are in independent form. Claims 3, 10, 17, and 24 have been cancelled, without prejudice or disclaimer of subject matter. Claims 1, 2, 4-9, 11-13, 15, 16, 18-23, and 25-29 have been amended as to formal matters and/or to define Applicant's invention more clearly. In particular, independent Claims 1, 8, 15, and 22 have been amended, among other things, to recite the features of canceled claims 3, 10, 17, and 24, respectively. Independent Claims 28 and 29 have been similarly amended. Favorable reconsideration is requested.

The Office Action states that the title of the invention is not descriptive. In response, the title has been amended, in accordance with the Examiner's suggestion, to read as follows:

--IMAGE TRANSFER PROCESSING ACCORDING TO TRANSFER HISTORY--.

The Office Action objected to the specification for failing to providing proper antecedent basis for the terminology: "image processing apparatus." Applicant respectfully submits that the specification, as originally filed, provides proper antecedent basis for such terminology. Applicant notes that throughout the specification there are discussions of situations in which images are, at least, transferred and recorded. Transferring and recording of images are forms of image processing, in that the images are subjected to a prescribed procedure such as transferring to other apparatuses or recording images onto a storing medium. Additionally,

please notice that, for example, page 21, lines 4 and 5, and page 22, lines 13 and 14, refer to the "processing" of image data by an apparatus. Accordingly, Applicant respectfully requests withdrawal of the objection to the specification.

Claim 4, 11, 18, and 25 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Office Action states there is insufficient antecedent basis for "said display means/step." Claims 1, 8, 15, and 22, the independent claims from which Claims 4, 11, 18, and 25 respectively depend, have been amended to include a display means/step. Therefore, it is believed that the rejections have been obviated. Accordingly, withdrawal of the rejections is respectfully requested.

Claims 1-4, 6-11, 13-18, 20-25, and 27-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,445,460 (*Pavley*), and Claims 5, 12, 19, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pavley*. Cancellation of Claims 3, 10, 17, and 24 renders their rejections moot.

As shown above, Applicant has amended independent Claims 1, 8, 15, 22, 28, and 29 in terms that more clearly define the present invention. Applicant submits that these amended independent claims, together with the remaining claims dependent therefrom, are patentably distinct from *Pavley* for at least the following reasons.

An aspect of the present invention set forth in Claim 1 is directed to an image processing apparatus that includes reading means, transfer means, and display means. The reading means reads a plurality of images from a storing medium along with transfer history information of the plurality of images. The transfer means transfers images to other apparatuses,

and the display means displays the read images. The display means is adapted to change, according to the transfer history information, an order in which the read images are displayed, and the transfer means comprises control means including a first mode for making reference to the transfer history information and performing a batch transfer of images not transferred to other apparatuses.

An important feature of Claim 1 is that the display means is adapted to change, according to the transfer history information, an order in which the read images are displayed. By virtue of this feature, it is possible to change a display condition of the images according to the transfer history information. For example, when transferring non-transferred images, it is possible to easily confirm which non-transferred images are actually selected by changing the display condition such that only non-transferred images are displayed.¹

Pavley relates to an image capture device, and more particularly to providing and utilizing file attributes with digital image files in the image capture device. As understood by Applicant, *Pavley* discusses that an image file together with its file attribute may be transferred to another device, where the file attribute information includes designating whether an image file has undergone an archive procedure.

The Office Action cites *Pavley* at column 4, lines 7-20, and column 5, lines 25-45, as disclosing display means for displaying the read images, where the display means changes

¹ The examples provided herein are intended for illustrative purposes. It is to be understood that the present invention is not to be limited by the illustrative examples.

the order of an image display according to the transfer history information. Applicant respectfully disagrees.

Column 4, lines 7-20, is understood merely to discuss a review screen layout, depicted in Figure 3, when a camera is placed into review mode. The review mode of *Pavley* enables a user to view all the images in the camera along with specific attributes associated with each of the images. The displayed images are arranged by the date the image was captured.

Column 5, lines 25-45, is understood merely to discuss file attribute designations of image tags 825 depicted in Figure 5. Specifically, the cited passage discusses different types of file attributes, such as read-only, hidden, and archive, which may be associated with an image file.

Nothing has been found, or pointed out, in *Pavley* that is believed to teach or suggest the display means of Claim 1, which is "adapted to change, according to the transfer history information, an order in which the read images are displayed." Accordingly, Applicant submits that Claim 1 is clearly patentable over *Pavley*.

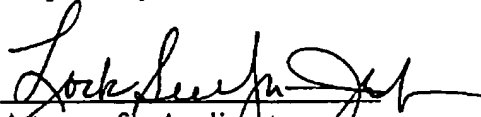
Independent Claims 15 and 28 are method and storing medium claims with a display feature similar to that of Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1. Additionally, independent Claims 8, 22, and 29 also include a similar display feature as that of Claim 1. Accordingly, Claims 8, 22, and 29 also are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and therefore are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


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